

Terminal Disclaimer
U.S. Appln. No. 09/767,943

knowledge and belief, title is in petitioner who is seeking to take this action.

Petitioner hereby disclaims the terminal part of any patent granted on the above-captioned U.S. Application No. 09/767,943 which would extend beyond the expiration of the full statutory term as presently shortened by any terminal disclaimer of U.S. Patent 6,239,113, and hereby agrees that any patent so granted on the above-captioned U.S. Application No. 09/767,943 shall be enforceable only for and during such period that the legal title to U.S. Patent 6,239,113 shall be the same as the legal title to said patent issuing from the above-captioned U.S. Application No. 09/767,943, this agreement to run with any patent granted on the above-captioned U.S. Application No. 09/767,943 and to be binding upon the grantee, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-captioned U.S. Application No. 09/767,943 prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of U.S. Patent 6,239,113 in the event that U.S. Patent 6,239,113 later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims cancelled by a Reexamination Certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The undersigned whose signature and title appear below is empowered to act on behalf of petitioner.

Terminal Disclaimer

U.S. Appln. No. 09/767,943

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18, of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 5/10/02

Lyle M Bowman
Name: LYLE BOWMAN
Title: VICE PRESIDENT